

HOUSE BILL NO. 554

INTRODUCED BY P. SLITER, F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN NONRESIDENT HUNTING AND FISHING FEES; REQUIRING THAT A NONRESIDENT POSSESS A WILDLIFE CONSERVATION LICENSE, RATHER THAN A CLASS B-1 UPLAND GAME BIRD LICENSE, AS A PREREQUISITE TO THE PURCHASE OF A WILD TURKEY TAG; AMENDING SECTIONS 87-2-202, 87-2-302, 87-2-304, 87-2-403, 87-2-504, 87-2-505, 87-2-510, AND 87-2-701, ~~AND 87-2-704~~, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-202, MCA, is amended to read:

"87-2-202. Application -- fee -- expiration. (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, social security number, occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$5~~ \$7.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

(6) The department shall delete the applicant's social security number in any electronic database 5 years after the date that application is made for the most recent license."

Section 2. Section 87-2-302, MCA, is amended to read:

"87-2-302. Class B--nonresident fishing license. Any person not a resident, as defined in 87-2-102, upon payment of the sum of ~~\$40 beginning March 1, 1992, and \$45 beginning March 1, 1994,~~ \$60 to any agent of the department authorized to issue fishing and hunting licenses, ~~shall be~~ is entitled to a Class B license ~~which shall entitle~~ that entitles the holder ~~thereof~~ to fish with hook and line as authorized by the rules and regulations of the department."

Section 3. Section 87-2-304, MCA, is amended to read:

"87-2-304. Class B-4--two-day nonresident fishing license. Any person not a resident, as defined in 87-2-102, who is a holder of a valid wildlife conservation license, upon payment of the sum of ~~\$10~~ \$15 to any agent of the department authorized to issue fishing and hunting licenses, ~~shall be~~ is entitled to a 2-day nonresident fishing license ~~which shall authorize~~ that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 2 calendar days as indicated on the license."

Section 4. Section 87-2-403, MCA, is amended to read:

"87-2-403. (Temporary) Wild turkey tags and fee. (1) The department may issue wild turkey tags to the holder of a valid Class A-1 or ~~Class B-1~~ nonresident wildlife conservation license or as set out in subsection (3). Each tag entitles the holder to hunt one wild turkey and possess the carcass of the turkey, during times and places that the commission authorizes an open season on wild turkey.

(2) The fee for a wild turkey tag is ~~\$4 beginning March 1, 1992, and \$5 beginning March 1, 1994, for residents and \$13 for nonresidents~~ \$5 for a resident and \$115 for a nonresident. Turkey tags must be issued either by a drawing system or in unlimited number as authorized by department rules.

(3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a wild turkey tag upon presentation of that person's wildlife conservation license. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-403. (Effective March 1, 2006) Wild turkey tags and fee. (1) The department may issue wild

1 turkey tags to the holder of a valid Class A-1 or ~~Class B-1~~ nonresident wildlife conservation license or as
2 set out in subsection (3). Each tag entitles the holder to hunt one wild turkey and possess the carcass of
3 the turkey, during times and places that the commission authorizes an open season on wild turkey.

4 (2) The fee for a wild turkey tag is \$5 for a resident and \$105 for a nonresident. Turkey tags must
5 be issued either by a drawing system or in unlimited number as authorized by department rules.

6 (3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as
7 provided in 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805
8 may purchase a wild turkey tag upon presentation of that person's wildlife conservation license."
9

10 **Section 5.** Section 87-2-504, MCA, is amended to read:

11 **"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except as otherwise
12 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of
13 age or older or who will turn 12 years old before or during the season for which the license is issued and
14 is a holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject
15 to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife,
16 and game parks office, Helena, Montana, to purchase one each of the following licenses:

17 (i) Class B-7, deer A tag, ~~\$175~~ \$250;

18 (ii) Class B-8, deer B tag, \$75.

19 (b) The license entitles a holder who is 12 years of age or older to hunt the game animal or
20 animals authorized by the license and to possess the carcasses of those animals as authorized by
21 commission rules.

22 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
23 assigned for use in a specific administrative region or regions or a portion of a specific administrative
24 region or regions or in a specific hunting district or districts or a portion of a specific hunting district or
25 districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid
26 throughout the state, except as provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may
27 be sold in any license year.

28 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by
29 hunting districts, portions of a hunting district, groups of districts, or administrative regions. (Terminates
30 October 1, 2001--sec. 6, Ch. 355, L. 1997.)

87-2-504. (Effective October 1, 2001) Class B-7 and B-8--nonresident deer licenses.

(1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is a holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and game parks office, Helena, Montana, to purchase one each of the following licenses:

(i) Class B-7, deer A tag, ~~\$150~~ \$250;

(ii) Class B-8, deer B tag, \$50; ~~and will entitle~~.

(b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals authorized by the license ~~held~~ and to possess the carcasses of those animals as authorized by department rules.

(2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license must be assigned for use in a specific administrative region or portion of a specific administrative region. If purchased as part of a Class B-11 license, the Class B-7 license is valid throughout the state. Not more than 5,000 Class B-7 licenses may be sold in any license year. Money received from the sale of Class B-7 licenses in excess of 1,700 must be used as provided in 87-1-242(1). (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses. (1) (a)

Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is a holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and game parks office, Helena, Montana, to purchase one each of the following licenses:

(i) Class B-7, deer A tag, ~~\$100~~ \$250;

(ii) Class B-8, deer B tag, \$50; ~~and will entitle~~.

(b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals authorized by the license ~~held~~ and to possess the carcasses of those animals as authorized by department rules.

(2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license must be

1 assigned for use in a specific administrative region or portion of a specific administrative region. If
2 purchased as part of a Class B-11 license, the Class B-7 license is valid throughout the state."

3

4 **Section 6.** Section 87-2-505, MCA, is amended to read:

5 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as
6 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12
7 years of age or older or who will turn 12 years old before or during the season for which the license is
8 issued may, upon payment of the fee of ~~\$475~~ \$625 or upon payment of the fee established as provided
9 in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating
10 their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and
11 department regulation, apply to the fish, wildlife, and game parks office, Helena, Montana, to purchase
12 a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to
13 all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the
14 nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10
15 licenses may be sold in any 1 license year.

16 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10
17 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer
18 and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993;
19 sec. 6, Ch. 544, L. 1999.)

20 **87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1)
21 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but
22 who is 12 years of age or older or who will turn 12 years old before or during the season for which the
23 license is issued may, upon payment of the fee of ~~\$398~~ \$550 or upon payment of the fee of ~~\$408~~ if the
24 ~~license is one of the 5,600 licenses reserved pursuant to 87-2-511 for applicants indicating their intent~~
25 ~~to use the services of a licensed outfitter~~ and subject to the limitations prescribed by law and department
26 regulation, apply to the fish, wildlife, and game parks office, Helena, Montana, to purchase a B-10
27 nonresident big game combination license which shall entitle a holder who is 12 years of age or older to
28 all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the
29 nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses
30 may be sold in any ~~one~~ 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

Section 7. Section 87-2-510, MCA, is amended to read:

"87-2-510. (Temporary) Class B-11--nonresident deer combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~\$245~~ \$325 or upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter or upon payment of the fee of ~~\$250~~ \$325 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and game parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~\$220 or upon payment of the fee of \$225~~ \$300, purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. The fee for a Class B-11 license is \$300 if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land owned by that

~~1 sponsor, and The license is subject to the limitations prescribed by law and department regulation, A~~
~~2 person may apply for a license to the fish, wildlife, and game parks office, Helena, Montana, to purchase~~
~~3 a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older~~
~~4 to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident~~
~~5 wildlife conservation license as prescribed in 87-2-202.~~

(2) Six thousand Class B-11 licenses are authorized for sale each license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

Section 8. Section 87-2-701, MCA, is amended to read:

"87-2-701. (Temporary) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

(a) moose--resident, \$75; nonresident, ~~\$475~~ ~~\$1,000~~ \$750;

(b) mountain goat--resident, \$75; nonresident, ~~\$475~~ ~~\$1,000~~ \$750;

(c) mountain sheep--resident, \$75; nonresident, ~~\$475~~ ~~\$1,000~~ \$750;

(d) antelope--resident, \$11; nonresident, ~~\$150~~ \$200;

(e) grizzly bear--resident, \$50; nonresident, \$300;

(f) black bear--nonresident, ~~\$120~~ \$350.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-701. (Effective March 1, 2006) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the

1 following fees:

- 2 (a) moose--resident, \$75; nonresident, ~~\$455~~ \$980;
- 3 (b) mountain goat--resident, \$75; nonresident, ~~\$455~~ \$980;
- 4 (c) mountain sheep--resident, \$75; nonresident, ~~\$455~~ \$980;
- 5 (d) antelope--resident, \$11; nonresident, ~~\$130~~ \$180;
- 6 (e) grizzly bear--resident, \$50; nonresident, \$300;
- 7 (f) black bear--nonresident, ~~\$100~~ \$330.

8 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly
9 bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill.
10 The trophy license authorizes the holder to possess and transport the trophy.

11 (3) Special licenses must be issued in a manner prescribed by the department."
12

13 ~~Section 9. Section 87-2-704, MCA, is amended to read:~~

14 ~~"87-2-704. Regulation of special elk permits -- fees for special elk permit and special deer permit.~~

15 (1) ~~The department may:~~

16 ~~(a) provide for the refund of resident elk tag license fees to persons applying for special elk permits~~
17 ~~in hunting districts where there is no general elk hunting and set time limits and describe area restrictions;~~
18 ~~and~~

19 ~~(b) designate special elk permit areas where priority will be given to applicants who have not held~~
20 ~~special elk permits for a period of years to be determined by the department.~~

21 ~~(2) The department shall provide that a person who is issued a special elk permit to hunt antlerless~~
22 ~~elk during the regular hunting season is:~~

23 ~~(a) limited to the hunting and taking of only an antlerless elk in the hunting district or portion of~~
24 ~~a hunting district where the permit is valid; and~~

25 ~~(b) entitled to the general elk hunting privileges for a holder of a Class A-5 license in all other~~
26 ~~hunting districts.~~

27 ~~(3) The fee for a special elk permit is \$2 beginning March 1, 1992, and \$3 beginning March 1,~~
28 ~~1994 for a resident and \$50 for a nonresident.~~

29 ~~(4) The fee for a special deer permit is \$25 for a nonresident.~~

30 ~~(4)(5) The department may adopt rules necessary to implement this section."~~

2 NEW SECTION. **Section 9. Effective date.** [This act] is effective March 1, 2002.

3 - END -